



## Whistleblowing Policy (Liverpool)

### **Our Mission**

To transform young lives and build resilient communities through high-quality alternative education

### **Our Vision**

“An empowered generation of employable young people making a positive contribution to society”

### **Our Core Values**

Here at Employability Solutions, we have shared values that guide us as we live, learn, and work together;

“Living Our Values Everyday”



### **Transformation**

“inspiring a culture where transformation is possible”

### **Inclusion**

“creating a community where everyone feels included”

### **Motivation**

“being responsible for instigating a culture of possibility”

### **Education**

“gifting an education that is individual, meaningful, and right for our students”

Signed by CEO :	Approved :	Review by :
	Sept 2022	Sept 2023



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## Whistleblowing Policy (Liverpool)

### 1. Introduction

#### **Whistleblowing has been defined as:**

**‘the disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees’**

(Public Concern at Work Guidelines 1997)

Employees have a responsibility to ensure that they, their colleagues, and others working in the organisation follow safe working practices so that pupils are kept safe at all times. Employees must also understand that they have a duty to report unsafe practices that could lead to a child being harmed or put at risk of harm. Failure to report such practices may lead to disciplinary action being taken against them if as a result of the failure to report, a child is harmed or put at risk of harm.

Employees are often the first to realise that there may be something seriously wrong within the organisation. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the organisation. They may also fear harassment or victimisation. In the circumstances it may be easier to ignore the concern rather than report what may be just a suspicion of malpractice.

ES is committed to the highest possible standards of openness, probity, and accountability.



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In line with that commitment, we expect employees and others we deal with, who have serious concerns about any aspect of the organisation to come forward and voice those concerns.

It is recognised that most cases will have to proceed on a confidential basis, but it is important that all disclosures must be made in the public interest.

This policy document makes it clear that you can report your concerns without fear of victimisation, subsequent discrimination or disadvantage. This whistleblowing procedure is intended to encourage and enable employees and any others that we deal with, to raise serious concerns within the organisation rather than overlooking a problem or “blowing the whistle” externally.

Statutory protection for employees who whistleblow is provided by the Public Interest Disclosure Act 1998 (PIDA). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns about conduct or practice within the organisation which is potentially illegal, corrupt, improper, unsafe, or unethical or which amounts to malpractice.

This policy applies to all ES staff including, full and part time, casual, temporary, agency staff, individuals undertaking work experience in the organisation, volunteers, visitors, parents, and all contractors working for the organisation on the business premises, for example builders, service engineers.



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It is also in line with the Enterprise Regulatory Reform Act (2013)

These procedures are in addition to the Organisations Complaints Procedures.

### 2. Aims and scope of policy

#### **This policy aims to:**

- Give confidence to members of staff and others we work with about raising concerns about conduct or practice which is potentially illegal, corrupt, improper, unsafe, or unethical or which amounts to malpractice or is inconsistent with the organisations standards and policies so that they are encouraged to act on those concerns
- Provide members of staff and others we work with, with avenues to raise concerns
- Ensure that members of staff and other we work with receive a response to the concerns they have raised and feedback on any action taken
- Offer assurance that members of staff and others we work with, are protected from reprisals or victimisation for whistleblowing action undertaken in good faith and within the meaning of the PIDA.

There are existing procedures in place to enable members of staff to lodge a grievance relating to their own employment.



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This policy does not enable them to raise a concern about a breach of their own contract of employment. The Whistleblowing Policy is intended to cover major concerns that fall outside the scope of other procedures.

### **This policy covers whistleblowing relating to alleged:**

- Sexual, physical or emotional abuse of members of staff or students
- Health and safety issues including risks to the public as well as risks to students and members of staff
- Action that has caused or is likely to cause physical danger to any person or risk severe damage to the organisation's property
- Unlawful conduct
- Miscarriages of justice in the conduct of statutory or other processes
- Failure to comply with a statutory or legal obligation
- Potential maladministration, misconduct or malpractice
- Action that has caused or is likely to cause danger to the environment
- Abuse of authority
- Unauthorised use of public or other funds
- Fraud or corruption



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- Breaches of financial regulations or policies
- Mistreatment of any person
- Unfair discrimination or favouritism
- Racist incidents or acts, or racial harassment and
- any attempt to prevent disclosure of any of the issues listed
- inappropriate use of social media and other technologies

The PIDA sets out the full statutory rights and obligations of members of staff wishing to whistle blow.

### 3. Safeguard Against Reprisal, Harassment and Victimisation

The Proprietor and Directors will not tolerate harassment or victimisation of members of staff when matters are raised in accordance with the PIDA provisions. Any member of staff who victimises or harasses a member of staff as a result of their having raised a concern in accordance with the whistleblowing policy will be dealt with under the organisations staff disciplinary procedures.

Employability Solutions:

- is committed to good practice and high standards and wants to be supportive of employees
- recognises that the decision to report a concern can be difficult one to make. If what you are saying is true, you should have



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nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

- recognises that support will need to be provided to the employee at the time the allegation is raised, during the investigation itself and following the outcome of the investigation. The nature and type of support offered will need to be discussed and agreed with the individual employee
- will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern
- any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you

### 4. Confidentiality

ES recognises that members of staff may want to raise concerns in confidence and will do its utmost to protect the identity of members of staff who raise a concern and do not want their name disclosed

However, investigation into the concern could reveal the source of the information and statements may be required from the member of staff as part of evidence, which would be seen by all parties involved. If the investigation leads to prosecution, the whistle blower is likely to be called in to give evidence in court.





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### 5. Anonymous Allegations

Staff should put their name to allegations whenever possible – anonymous concerns are much less powerful. Nonetheless anonymous allegations may be considered under this whistleblowing procedure especially concerns raised relating to the welfare of children. In relation to determining whether an anonymous allegation will be taken forward the following factors will be taken into account:

- The seriousness of the issue raised
- The credibility of the concern
- The likelihood of confirming the allegation from attributable sources and obtaining information provided

### 6. Untrue and Malicious/Vexatious Allegations

If a member of staff makes an allegation in good faith but it is not confirmed by further inquiry the matter will be closed and no further action taken. If, however, the inquiry shows that untrue allegations were malicious and/or vexatious or made for personal gain then the Management will consider taking disciplinary action against the member of staff. In the most serious of cases. This may include dismissal.



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### 7. Allegations Concerning Child Protection Issues

If an employee raises a concern relating to a child protection issue, the Head of Education (or Proprietor if the concern is about the Head of Education) or the Designated Safeguarding Lead must deal with the matter in accordance with the Organisations Safeguarding Procedure.

If, after raising concerns related to child protection issues, a member of staff still has concerns, and the issue has not been referred to Social Services by the organisation, the member of staff can make a direct referral to the Social Services Safeguarding Manager on 0151 233 3700.

### 8. Procedure for Making a Whistleblowing Allegation

As a first step, concerns should be expressed to the Proprietor. If the matter relates to the Proprietor, the matter should be referred to the Directors or Board Members.

If the member of staff feels they cannot express their concerns within the organisation, they can use the LCC Whistleblowing Complaints line (Tel: 0151 225 2660) and leave a message on the voicemail with as much information as possible about your concern, or you can complete the online form that is located on the City Council Website.

Where the concern relates to a child protection matter the Organisations Safeguarding Procedure must be followed.

If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the



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statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process.

If the concern relates to the Directors or Board Members, then the Proprietor must report the concern to the Head of Education Services.

The member of staff should put their concern in writing for the avoidance of doubt. They should set out the background and history of the concern, giving names, dates and places where possible, and explaining the reason for their concerns. If they feel unable to put the matter in writing, they can still raise their concern verbally and should telephone or arrange to meet the appropriate person. They can also ask their trade union or professional association to raise the matter on their behalf or to support them in raising the concern.

### 9. Response to Whistleblowing

The matter raised may:

- need consultation with the local authority's designated social services manager for child protection/safeguarding if there is a concern relating to child protection
- need to be passed to the Police if it relates to alleged criminal activity
- need enquiry internally in the organisation

At this stage concerns/allegations are neither accepted nor rejected.



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### 10. Timescale for Response

The member of staff will normally receive a written response within 5 working days (except in the case of anonymous allegations):

- acknowledging that the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising whether any enquiries have been made
- advising whether further enquiries will take place
- informing them of support available whilst matters are looked into and following the outcome of the investigation
- maintaining confidentiality wherever possible, but also explaining that it may not be possible that they can remain anonymous

### 11. The Enquiry Process

The person receiving the allegation will be the Proprietor unless the concern involves the Proprietor in which case the Directors or Board Members will be the first point of contact. Where the concern about a child protection matter the Organisations Designated Safeguarding Lead may also be the first point of contact.



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There will be a duty on the first point of contact to deal promptly with the matter, to become the contact point for the employee raising the concern and write to the employee within 5 working days to advise them how their concern will be addressed.

If an investigating officer needs to talk to the member of staff, they are permitted to be accompanied by a trade union or professional association representative or a fellow member of staff not involved in the area of work to which the concern relates.

The first point of contact will seek to keep the employee informed of progress with their concern in a timely manner. However the timescales to be followed will vary depending upon the nature of the issue raised and the procedure that is being followed to address the matter.

### 12. The Report

A report will be produced following an investigation into the concern in accordance with the appropriate process. The matter and action to be taken, if any, will be determined by the person(s) who are identified in the procedure as having the delegated authority to deal with the matter.

The organisation accepts that the employee needs to be assured that the matter has been properly addressed. Thus, the member will be informed when an investigation has been concluded.



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Note: The Proprietor, Directors or Board Members may, at any point, seek advice on the whistleblowing process from the Head of Education Services or the Head of Safeguarding and Support.

The Proprietor must report, in a general way, all whistleblowing cases on a termly basis to the Directors/Board Members and also in the Annual Report.

All information relating to the disclosure of information will be securely held. Accurate information relating to any subsequent investigation will be retained securely and where allegations have been proven to be unfounded this will be clearly recorded.

### 13. How the matter can be taken further

The organisation hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the organisation, the following are possible contact points:

- Liverpool Council Whistleblowing Complaints Line
- Audit Commission
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisation
- the police - dial 101 from any phone



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If you do take the matter outside the organisation, you should ensure that you follow GDPR guidelines and do not disclose confidential information or information which is legally protected.



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### 14. Centre details

Garston Centre | 52 Wellington Street

Liverpool | L19 2LX

**t:** +44 (0) 151 427 4193

Huddersfield Centre | 20 Greenhead Road

Huddersfield | HD1 4EN

**t:** +44 (0) 1484 506307

Huddersfield Centre | 3a Union Bank Yard, New Street

Huddersfield | HD1 2BP

**t:** +44 (0) 1484 506307

**w:** [www.employabilitysolutions.com](http://www.employabilitysolutions.com)